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August 25, 2023

**via ECF:**

The Honorable Lee G. Dunst, U.S.M.J.  
United States District Court  
Eastern District of New York  
100 Federal Plaza, Courtroom 830  
Central Islip, New York 11722

Re: **Castro et al v. Dawn to Dusk Landscaping, Inc. Et. al.**  
**Civil Docket No.: 2:22-cv-07626-MKB-LGD**

Dear Judge Dunst:

We represent Plaintiffs Roberto Castro, Brayan Jimenez Avila and Jose Eduardo Flores, individually and on behalf of all others similarly situated (hereinafter, the "Plaintiffs") in this action, and we respectfully submit this letter to apprise Your Honor as to the status of this matter. Further, we submit this letter as a motion to respectfully request an extension of time to serve Defendants in this action.

**Brief Background**

Plaintiffs commenced this collective action on December 15, 2022 against corporate Defendant, Dawn To Dusk Landscaping, Inc. ("Dawn to Dusk"), Albert Ambrogi and Thomas Ambrogi, as individuals, (collectively hereinafter, "Defendants"). We had a prior case against the same Defendants docketed as Civil Case No. 2:21-cv-07006-GRB-JMW, said case has been settled and now closed.

After the filing of Plaintiffs' Summons and Complaint, our office had a miscommunication with our process server over how to serve Defendants in light of prior litigation. Unfortunately, due to this miscommunication, our office held the service of Summons and Complaint to the Defendants in abeyance. Upon receiving the Court's order, we realized that we had not served the Defendants due to a misunderstanding. Correcting this error, Plaintiffs are prepared to immediately serve Defendants.

**Extension of Time to Serve ALL Defendants**

Under these circumstances, Plaintiffs now move pursuant to Rule 4(m), for an extension of the time for Plaintiffs to personally serve all Defendants. See Fed. R. Civ. P. 4(m) ("[I]f the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.").

Plaintiffs respectfully request that the Court find that Plaintiffs have shown good cause for prior untimely service in this matter on all Defendants, and accordingly, that the Court extend the Plaintiffs' time to serve all Defendants by thirty (30) days, or until October 18, 2023.

This is Plaintiffs first such request for an extension of time to serve and there are no other deadlines scheduled on this matter to be affected should the Court grant Plaintiffs the relief sought by this Motion. This request will not prejudice any of the Defendants, who have not yet appeared in this action.

We thank the Court for its consideration on this matter and we remain available to provide any additional information.

Respectfully submitted,

Roman Avshalumov  
Roman Avshalumov, Esq.